(3)

(1) c.s. 1004 SINGLE BENCH 4.6.05

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO.- 2558 OF 2006

PETITIONER

- **Dr. Dushyant Khosla** S/o H.S. Khosla Aged about 29 years, Medical Officer, Community Health Centre, Ahiwara District - Durg (C.G.)

P.R. No. 2609/06 Presented by Shri S. Pandya dated 11/5/06

VERSUS

RESPONDENTS

-1. State of Chhattisgarh Through Secretary, Public Health and Welfare Department, DKS Bhawan, Raipur, District- Raipur (C.G.)

2. Director, Health Services Raipur Chhattisgarh

3. Collector, Durg, District - Durg (C.G.)

4. Chief Medical and Health Officer Durg, District - Durg (C.G.)

5. Incharge, Medical Officer, Community Health Centre, Ahiwara District - Durg (C.G.)

6. Dr. Heman Sahu, Incharge, Medical Officer, Community Health Centre, Ahiwara District - Durg (C.G.)

RECEIVED-COPY 11/5/06 CLERK to A. G. BILASPUR

OATH COMMISSIONER APARNA MALVIYA CG-207/3/96 Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मायला क्रमांक W.P.2558/2006 सन्

विरुद्ध

आदेश का अनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12-5-2006

Mr. Sanjay Patel, counsel for the petitioner.

Mr. Sushil Dubey, Govt. Advocate for the State/respondents No.1 to 5.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned legality and correctness of the order dated 23-3-2006 (Annexure P-1) passed by respondent No.3, whereby the petitioner has been removed from service.

The case of the petitioner is that he was appointed on the post of Assistant Surgeon by the Collector, Durg, vide appointment order dated 4-6-2005 (Annexure P-2) on contract basis for a period of three years. The petitioner was performing his duty sincerely, honestly and with full dedication. Respondent No.6 Dr. Hemant Sahu, In-charge Medical Officer, Community Health Centre, Ahiwara, is a politically influenced person running a private dispensary at Ahiwara, he along with respondent No.4 issued show cause notice Annexure P-3 to the petitioner, the petitioner replied the said show cause notice vide Annexure P-4, and on the ground of animosity, the petitioner has been removed from service. The action of respondent No.3 is illegal, arbitrary and against the settled principles of law.

Learned counsel for the petitioner submitted that Annexure P-1, whereby services of the petitioner have been terminated amounts to stigma against the petitioner.

I have perused the petition and the appointment letter dated 4-6-2005. The petitioner was appointed for a fixed period of three years on monthly remuneration of Rs.15,000/-. Condition No.3 of the appointment letter is that services of the petitioner can be terminated by the appointing authority even before the expiry of three years term with one month's notice or one-month

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XI-HC-22

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

salary in lieu thereof. Similarly, the petitioner was also entitled to resign from service after giving one month's notice or one-month salary in lieu of the notice. Perusal of the termination order Annexure P-1 issued by the Collector, the appointing authority, shows that the petitioner's services have been terminated after giving one-month salary in lieu of one month's notice. Now, the question comes as to whether the termination order amounts to stigma on the petitioner. It has been mentioned that the behaviour of the petitioner was not appropriate, he used to remain absent from the Office and therefore, his services have been terminated.

I do not find any substance in the argument of learned counsel for the petitioner that this amounts to stigma in any way, because the allegation against the petitioner is that he used to remain absent and his conduct was not proper, that is why in terms of condition No.3, his services have been terminated, and therefore, the petitioner's services have been terminated in consonance with the terms and conditions of the appointment order.

In the circumstances, I do not find any substance in this writ petition, same is liable to be dismissed and it is accordingly, dismissed, at the admission stage itself.

Consequently, M.(W.)P.No.1813/2006 and I.A.No.4982/2006 stand disposed of.

Sd/-
L.C.Bhadoo
Judge

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